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TOWN OF FARMVILLE *v.* WELLS.

June 10, 1920.

[103 S. E. 596.]

**1. Municipal Corporations (§ 845 (4)\*)—Evidence Held to Show that City in Raising Grade Failed to Provide Adequate Drainage.**—In action against city for injury to plaintiff's property from surface water thrown back on her premises, involving question of whether city in raising the grade of the street above the level of plaintiff's lot made adequate provision for drainage of surface water, evidence held sufficient to sustain verdict for plaintiff.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 60, et seq; 12 Va.-W. Va. Enc. Dig. 884, et seq.]

**2. Appeal and Error (§ 1002\*)—Verdict on Conflicting Evidence Conclusive.**—Verdict is conclusive as to question of fact on which evidence was conflicting.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 620.]

**3. Municipal Corporations (§ 835\*)—City Liable for Injury to Abutting Property from Surface Water Caused by Elevation of Street Grade.**—Where the city raised the grade of a street above the level of abutting lot without making adequate provision for drainage of surface water, city was liable to abutting owner for damage to her property caused by the surface water being thrown back thereon.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 62.]

**4. Continuance (§ 7\*)—Courts Have a Wide Discretion.**—Trial courts are given a wide discretion in the matter of continuances.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 272.]

**5. Appeal and Error (§ 966 (1)\*)—Ruling as to Continuance Reviewable Only Where Plainly Erroneous.**—Though rulings of trial court on application for continuances are subject to review, they will not be set aside unless plainly erroneous.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 303.]

Error to Circuit Court, Prince Edward County.

Action by Sarah C. Wells against Town of Farmville. Judgment for plaintiff and defendant brings error. Affirmed.

*E. Warren Wall*, of Richmond, and *Watkins & Brock*, of Farmville, for plaintiff in error.

*J. Taylor Thompson*, of Farmville, for defendant in error.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.